

| UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA BEAUFORT DIVISION | |
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| ALBERT S. WOLOGO, Plaintiff, v. TRANSAMERICA LIFE INSURANCE COMPANY and AEGON USA INVESTMENT MANAGEMENT, Defendants. | CASE NO.: <u>9:17-cv-00157-DCN</u> NOTICE OF REMOVAL |

Defendants Transamerica Life Insurance Company (“TLIC”) and AEGON USA Investment Management, LLC (“AUIM”), by and through their undersigned counsel, hereby give notice of the removal of the above-captioned matter from the Court of Common Pleas, Fourteenth Judicial Circuit, Beaufort County, South Carolina to the United States District Court for the District of South Carolina– Beaufort Division.

In support thereof, Defendants TLIC and AUIM aver as follows.

1. On December 5, 2016, Joshua R. Fester, counsel for Plaintiff Albert S. Wologo (“Plaintiff”), filed a Complaint in the Court of Common Pleas, Fourteenth Judicial Circuit, Beaufort County, South Carolina (2016-CP-07-2554), against Defendants TLIC and AUIM. A true and correct copy of the Complaint is attached hereto as Exhibit A.

2. On or about December 20, 2016, a Summons and a copy of the Complaint were mailed to “Transamerica Life Insurance Company, c/o Jill Handley” and to “Aegon USA Investment Management Company, c/o Jay Orlandi,” at 4333 Edgewood Road, N.E., Cedar Rapids, IA 52499; the Summonses and copies of the Complaint were received at this address on or about December 27, 2016. Although Defendants TLIC and AUIM have responded to the

Complaint by filing this Notice of Removal, TLIC and AUIM are not hereby admitting proper service of process. If proper service was made on Defendants TLIC and AUIM, this Notice of Removal is timely filed within the 30 days permitted under 28 U.S.C. § 1446(b).

3. Plaintiff brought this action in state court alleging interrelated state law claims—“Conversion,” “Fraud,” and violation of “South Carolina Unfair Trade Practices.”

4. Plaintiff alleges that he is a resident of Beaufort County, South Carolina. Complaint ¶ 1.

5. Plaintiff alleges that Defendants “are corporations organized and existing under the laws of a foreign state.” Complaint ¶ 2. Defendants admit that they are not organized and existing under the laws of the State of South Carolina; Defendants are domiciled in Iowa.

6. The gravamen of all of Plaintiff’s state law claims is his alleged entitlement to “more than \$100,000” from “a Transamerica company stock purchase plan.” Complaint ¶¶ 9 and 13.

7. Pursuant to 28 U.S.C. § 1332, federal district courts have original jurisdiction over a case if the action involves citizens of different states and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

8. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1332(a)(1) based on Plaintiff’s allegations in Complaint ¶¶ 1, 2, and 9 that there is complete diversity of citizenship between Plaintiff and Defendants, and the amount in controversy herein exceeds the sum of Seventy-Five Thousand (\$75,000.00) Dollars, exclusive of interest and costs.

9. Title 28 U.S.C. § 1441(a) provides that “any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by

the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.”

10. Written notice of the filing of the Notice of Removal will be given to the adverse party as required by law.

11. A true and correct copy of this Notice of Removal will be promptly filed with the Clerk of the Court of Common Pleas, Fourteenth Judicial Circuit, Beaufort County, South Carolina, as provided by law.

WHEREFORE, Defendants Transamerica Life Insurance Company and AEGON USA Investment Management, LLC hereby give notice of the removal of this action from the Court of Common Pleas, Fourteenth Judicial Circuit, Beaufort County, South Carolina to the United States District Court for the District of South Carolina– Beaufort Division.

Dated: January __, 2017

Respectfully submitted,

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s/ Mary B. Ramsay

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